

REMARKS/ARGUMENTS

Reconsideration of this application, as amended, is respectfully requested. The following remarks are responsive to the Office Action mailed November 2, 2006. The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1-3, 7-14, and 18-23 are pending in the application. Claims 1-3, 10-12 and 21 are currently amended. Claims 7-9, 18-20 and 22 have been cancelled. No new matter has been added.

RESPONSE TO § 103 REJECTIONS

The Examiner has rejected claims 1-3, 7-14, and 18-23 under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (U.S. Patent No. 6,671,808) (hereafter Abbott), and further in view of Burger (U.S. Pub. 2005/0060586 A1) (hereafter Burger). Applicant respectfully disagrees.

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant’s independent claims 1 and 11 include limitations that are not disclosed in Abbott. As a result, applicant’s claims are patentable over Abbott.

For example, Applicant’s independent claim 1 includes the limitations of:

“the controller ... to record on the storage medium data identifying locations the apparatus and the individual have visited and to prevent the

individual from modifying the data identifying locations as stored in the storage medium...; and the controller, in response to a request, to provide the data identifying locations the apparatus and the individual have visited” (Claim 1 emphasis added)

The limitations set forth above, to “record on the storage medium data identifying locations” the apparatus and the individual have visited, and “to prevent the individual from modifying” the data identifying locations as stored in the storage medium, as claimed by Applicant’s independent claims 1 and 11 are not discussed in Abbott.

Specifically, the security of the device is compromised if the individual (e.g., the foreign traveler) using the device can modify (overwrite) security information residing on the device since the security information is used to identify the individual and to track the whereabouts of the individual.

Rather, Abbott teaches away from the limitations recited in Applicants’ Claims 1, 11 since modifying, or overwriting data by the user (e.g., individual) is necessary for proper functionality of Abbott’s device.

In particular, in Abbott:

“The personal key provides for the storage and management of digital certificates, allowing the user to store all of his digital certificates in one media that is portable from platform to platform. The personal key provides for the generation, storage, and management of many passwords... The personal key provides a means to store cookies ... allowing the user to accept cookies in a removable and secure form-factor.” (Column 3 lines 32-41)

As shown above, Abbott discusses generation and management of passwords for the user. Abbott suggests that upon an update of a digital certificate or a change of a password, the data stored on the personal key allows the relevant modifications to be made by the user (e.g., individual) of the key for password management. For example, if a change is made to an online banking password by the user, the corresponding information will need to be modified on the personal key. In addition, information (e.g., cookies) stored on the personal key is removable by the user, as described in Abbott.

On the contrary, as discussed in the limitations of applicant's independent claims, modification of the security information such as data identifying locations of the individual stored on the device by the individual (e.g., foreign traveler, user) of the device is prevented. Thus, Abbott does not anticipate Applicants' independent claims 1 and 11. Burger does not cure the deficiency.

The Examiner asserts that Burger discloses a computing environment that describes methods of portable electronic authorization system by engaging transactions involving financial and/or non-financial media and devices, where apparatus has an authenticator that authenticates and identifies a user.

However, there is no teaching, motivation, or suggestion in Burger to "prevent stored information from being modified by the user". Rather, Burger teaches away from the claim limitation "prevent the individual from modifying" *the data identifying locations as stored in the storage medium*, as claimed by Applicant's independent claims 1 and 11.

For example, In Burger,

“The personal docking station may allow setting or changing of user preferences, recording of miscellaneous information by the Pocket Vault holder, replenishment or deletion of information regarding particular media... value-based and certain identification cards (a driver’s license, passport, building security ID, etc.) may be added or reinstated only through a secure connection to the network server” (Paragraph [0102])

Thus, Burger explicitly states that information stored on the apparatus can be replenished and deleted. Such actions are not prevented of the user in Burger, suggesting that information stored on the apparatus can be modified by the user, contrary to the teachings of Applicants’ independent claims 1 and 11. Burger further explicitly states that certain identification cards may be added or reinstated. Therefore, there is no suggestion or motivation in Burger to prevent the user from modifying and updating information regarding the certain identification cards.

Thus, the cited references alone and in combination do not show each and every aspects of claims 1 and 11, at least for the above stated reasons. Withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested for claims 1 and 11.

Since the cited references do not show each and every aspects of the independent claims 1, and 11, the dependent claims of these independent claims include at least the novel limitations discussed above and are also patentable over the cited references, at least for the above discussed reasons. The withdrawal of the rejections is respectfully requested for the pending claims.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John P. Ward, attorney for Applicant, at (650) 328-8500.

If there are any additional charges, please charge Deposit Account No. 50-2638 for any fee deficiency that may be due.

Respectfully submitted,

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